

Dkt No. PP00336.110
USSN: 09/755,251
PATENT

REMARKS

Claims 21-40 were examined in the Office Action dated September 18, 2002. Applicant responded in an Amendment filed January 16, 2003 but inadvertently failed to address the obviousness-type double patenting rejection presented in the Office Action. Applicant thanks the Examiner for the opportunity to do so herein.

In particular, claims 21-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 7 and 27-31 of copending U.S. Application Serial No. 09/509,612. Applicants note that the rejection is provisional as no claims in the present application or in the '612 application have in fact been allowed. Indeed, prosecution continues in both cases. Accordingly, it is unclear what subject matter will ultimately pass to issuance and the obviousness-type patenting rejection is therefore premature. Nevertheless, Applicant will consider the propriety of filing a Terminal Disclaimer once allowable subject matter is indicated.

CONCLUSION

Applicant respectfully submits that the claims define a patentable invention. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. (PA) 03-3117 (RE) 50-1283.

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Please direct all further written communications in this application to:

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Respectfully submitted,

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